

# Notice of Allowability

Application No.

09/965,125

Examiner

Romain Jeanty

Applicant(s)

BRAUMOELLER ET AL.

Art Unit

3623

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/14/2007.
2. ☒ The allowed claim(s) is/are 1-60 and 62.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Romain Jeanty  
Primary Examiner  
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1. This Allowance is in response to the After-Final action filed on June 14, 2007. Claims 1-60, and 62 are pending in the application.

#### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jim White on July 3, 2007.

#### **In the claim (s):**

#### **Claim 54:**

Line 1, delete "~~whose contents cause~~", insert --having instruction that when executed by --.

Line 2, after "to", delete "~~to select~~", insert --selects --.

Line 6, delete associating, insert -- associated cost for the fulfillment option being calculated at least in part --.

#### **Allowable Subject Matter**

3. Claims 1-60, and 62 are allowed.

### **Reasons for Allowance**

4. The following is an examiner's statement of reasons for allowance:

The closest prior art is to Dunston (US 2002/0082954). Dunston teaches a distribution and sales service related to distribution of products from a hub to a business on a variable of cost basis client/user management system which retrieves information on a client/user's inventory at each hub in the shared distribution and sales system, from the distribution component and makes it available upon request via a standard service or application such as a Web browser over a public network such as the Internet. The business can decide how much inventory to keep in any location at any time, and monitor inventories in all locations to give instructions to move products from location to location as needed. However, Dunston fails to teach assigning a modeled future costs based at least in part on estimates of future costs for correcting any determined workloads and any determined inventory shortages, selecting one of the determined fulfillment plans based at least in part on the modeled future costs of using that fulfillment plan to supply the items of the order, taken in combination with a method for an item ordering service to currently supply ordered items to recipients in a manner that is selected on modeled future costs of the supplying expected future orders as recited in independent claim 1.

The closest prior art is to Dunston (US 2002/0082954). Dunston teaches a distribution and sales service related to distribution of products from a hub to a business on a variable of cost basis client/user management system which retrieves information on a client/user's inventory at each hub in the shared distribution and sales system, from the distribution component and makes it available upon request via a standard service or

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application such as a Web browser over a public network such as the Internet. The business can decide how much inventory to keep in any location at any time, and monitor inventories in all locations to give instructions to move products from location to location as needed. However, Dunston fails to teach if using the fulfillment option for the fulfilling of the order will result in a future exhaustion of inventory at one or more of the distribution centers indicated by the fulfillment option, including in the associated cost of use for the fulfillment option a cost that reflects a future correction of the inventory level exhaustion, taken in combination with a method for selecting a fulfillment option for fulfilling an order based on costs associated with fulfilling related future orders as recited in independent claim 16.

The closest prior art is to Dunston (US 2002/0082954). Dunston teaches a distribution and sales service related to distribution of products from a hub to a business on a variable of cost basis client/user management system which retrieves information on a client/user's inventory at each hub in the shared distribution and sales system, from the distribution component and makes it available upon request via a standard service or application such as a Web browser over a public network such as the Internet. The business can decide how much inventory to keep in any location at any time, and monitor inventories in all locations to give instructions to move products from location to location as needed. However, Dunston fails to teach if using the fulfillment option for the fulfilling of the order will result in a disparity between an actual inventory level and a desired inventory level at the distribution center indicated by the fulfillment option, including in the associated cost for the fulfillment option a estimated cost that reflects a correction of the inventory level disparity, taken in combination with a computer-readable medium having instructions that when executed by a computing device

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selects a fulfillment option for fulfilling an order based on costs of fulfilling future orders as recited in independent claim 54.

The closest prior art is to Dunston (US 2002/0082954). Dunston teaches a distribution and sales service related to distribution of products from a hub to a business on a variable of cost basis client/user management system which retrieves information on a client/user's inventory at each hub in the shared distribution and sales system, from the distribution component and makes it available upon request via a standard service or application such as a Web browser over a public network such as the Internet. The business can decide how much inventory to keep in any location at any time, and monitor inventories in all locations to give instructions to move products from location to location as needed. However, Dunston fails to teach if using the fulfillment option for the fulfilling of the order will result in a disparity between an actual inventory level and a desired inventory level at one or more of the distribution centers indicated by the fulfillment option, including in the projected future cost of use associated with the fulfillment option a cost that reflects a future correction of the inventory level disparity, taken in combination with a computing device and system for selecting a fulfillment option for fulfilling an order based on costs of fulfilling future orders as recited in independent claims 59 and 62.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Hening (U.S. Patent 6,587,827), discloses a method and system that is designed to receive customer orders, determine the suppliers that will deliver the products ordered, process the orders by immediately shipping the products and billing the customer, and periodically synchronize the available inventory of all suppliers.

b. Nicholls (U.S. Patent No. 5,631,827), discloses a system for managing and integrating various aspects of order processing, order fulfillment and goods transportation and tracking.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am to 6:00 pm.

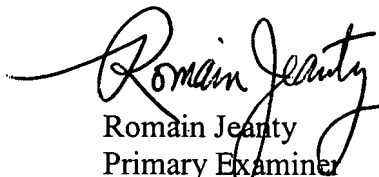
c. Lyons (WO 0108071) discloses an order fulfillment system.

d. Borders (WO 00/68859) discloses an order fulfillment system for managing information all functionality of a distribution center.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Romain Jeanty  
Primary Examiner  
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7-6-07